Tap on Marina Oswald's Room Reported by Ex-F.B.I. Official

He Says Warren Commission Was Not Told of Action After Kennedy Death

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, Oct. 29—The Federal Bureau of Investigation tapped the telephones and bugged the living quarters used by Marina Oswald after the assassination of President Kennedy, it failed to report either the fact of the surveillance or its product to investigators for the Warren Commission, according to a former F.B.I. official.

The official, who was closely involved with the investigation conducted by the bureau in the wake of the assassination, said that the electronic surveillance was instituted on the Russian-born Mrs. Oswald shortly after her husband, Lee Harvey Oswald, was identified as the principal suspect in Mr. Kennedy's murder.

The surveillance, the former official said, continued for "some months" after the death of Mr. Kennedy on Nov. 22, 1963, and the killing of Oswald himself two days later by Jack Ruby, a Dallas nightclub operator.

But the former official said that, to the best of his recollection the surveillance never produced any information that apparently bore directly on Oswald's motives or that supported the suspicions held by some F.B.I. officials that he had been involved in a conspiracy against the President's life. It was those suspicions, the former official said that prompted the bureau to initiate its electronic "coverage" of Mrs. Oswald.

The F.B.I. said in a statement this afternoon that it had "conducted an electronic surveillance of Marina Oswald's residence from Feb. 29, 1964, to March 12, 1964, based upon written approval o fthe Attorney General of the United States."

The Government contended then that in "national security" cases court permission was not required. The late Robert F. Kennedy was Attorney General at that time.

The bureau did not deal with its reported failure to inform the Warren Commission of the eavesdropping effort, and a spokesman said he would be unable to go beyond the statement.

Not In Testimony

None of the volumes of testimony or evidence published by the Warren Commission contain any hint that commission lawyers were told by the F.B.I. of its surveillance of Mrs. Oswald, which the former official said took place in and around the Dallas area where she and her husband lived.

The former official's assertion was supported by key commission counsel and investigators, who said in telephone interviews that they could not remember having been told that Mrs. Oswald's conversations had been monitored.

David W. Belin, a lawyer from Des Moines, Iowa, who served as an assistant counsel to the commission, said that if the former official's account was accurat, "t strikes me as horrible" that the commission was left uniformed.

His sentiments were shared by Albert E. Jenner Jr., also a former assistant commission counsel and now a Chicago lawyer, who said that whether the surveillance of Mrs. Oswald had come out "positive or negative," the panel should have been allowed to weigh whatever information was gleaned.

The commission, named for Earl Warren, the late Chief Justice who acted as its chairman, was set up by President Johnson within a week of Mr. Kennedy's death with instructions to determine the circumstances that surrounded the assassination.

The commission's report was initially heralded and subsequently defended by most of those who prepared it as a definitive assessment of all of the evidence then in the hands of Federal agencies and others that related in any conceivable way to Mr. Kennedy's death.

The former F.B.I. official's account of the withholding of the wiretap and bugging data on Mrs. Oswald, however, is but the most recent indication that the evidence made available to the commission was less than complete.

Last week, for example, the F.B.I. acknowledged that one of its agents had destroyed, within hours of Oswald's death, an allegedly threatening letter he had received from Oswald less than a month before Mr. Kennedy was shot.

Joseph A. Ball, a third lawyer who served as an assistant counsel to the Warren Commission, said today in a telephone interview from his Long Beach, Calif., office that he, too, was certain he never had been told about the electronic surveillance of Mrs. Oswald.

If he had been, Mr. Ball said, he "would never have permitted" the F.B.I. to use such techniques in its investigation on behalf of the commission.

Mr. Ball added, however, that he did recall having been told that the bureau had bugged the hotel room that Mrs. Oswald occupied on her visit to Washington to testify before the commission.

That bugging was also confirmed by the former official, who said that it had produced nothing apparently related to the investigation at hand.

The bureau denied in its statement this afternoon that it had conducted electronic eavesdropping on Mrs. Oswald at her Washington hotel.

The disclosure that the surveillance of Mrs. Oswald continued at least through February, 1964, the month in which she testified before the commission, raised questions about the locations where the F.B.I. placed bugging devices and tapped the telephones referred to by the former official.

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